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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,389	02/22/2002	John Hall	372920/00001	1576

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EXAMINER

SHARMA, RASHMI K

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/081,389

Applicant(s)
John Hall

Examiner
Rashmi Sharma

Art Unit
3651



The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 23, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 21-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 21, 22, 24, and 25 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 23, and 26 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Oct 23, 2003 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11, 12, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The terms "ahead" or "behind" in claims 11, 12, 24 and 25 respectively are relative terms which renders the claim indefinite. The terms "ahead" or "behind" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-9, 11, 21 and 22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Schultz (U.S. patent number 4,105,109).

Schultz discloses a scraper blade assembly comprising a pair of notched receiving members (see figure 2) having a front vertical stabilizer (vertical portion to the right of the scraper blade 68) and a rear vertical stabilizer (the taller portion parallel to the front vertical stabilizer as seen in figure 2) within a mounting sub-assembly (lower portion of figure 2), a face plate (inwardly facing upper half portion of either vertical stabilizer, front or rear) extending between the pair of notched receiving members, parallel to the scraper blade (68) and flush with a portion of the scraper blade (68), a means for vertically adjusting the height of the scraper blade (68) so that the scraper blade is in contact with the conveyor belt surface (24), and a blade insert (area between 50 and 48 in figure 2) fixed within a blade housing (50 and 48). The vertically adjusting means further comprises a horizontal blade stabilizer (the lower most horizontal bar in figure 2), an adjustable lock bolt (54) extending upwardly through the horizontal blade stabilizer in communication with the bottom surface of the scraper blade (via 50, 56, 48 and 60), whereby the rotation of the lock bolt (54) allows for the vertical movement of the scraper blade (68). Schultz also discloses one or more adjustable screws (56) to removably secure scraper blade (68), a shield (76) attached to the scraper blade (68) extending from the scraper blade and over the blade support sub-assembly (see figure 2) and a means (78) for spraying a liquid on the conveyor belt (24) where the liquid is sprayed at a point ahead of the scraper blade (68) and comprises a pipeline for transporting liquid having one or more nozzles in the proximity of the blade support

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sub-assembly, a means for restricting flow and a means for securing the pipeline (read column 5 lines 28-42 and column 6 lines 40-56).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz (U.S. patent number 4,105,109).

Schultz as disclosed above, fails to show the liquid being sprayed at a point on a conveyor belt behind the scraper blade.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the position of the means for spraying a liquid from a position ahead of the scraper blade to a position behind the scraper blade in order to provide for a more thorough cleaning of the conveyor belt and also depending on which direction the conveyor belt is running, forwards or backwards.

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Allowable Subject Matter

8. Claims 24 and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Dependent claims 10, 13 and 23-26 recite the structural limitations of a scraper blade support sub-assembly comprising a shield having one or more holes attached to the scraper blade for aligning the nozzles from the liquid spraying means through these holes and where the liquid is selected from the group consisting of water, a cleaning agent, a solvent, anti-freeze and a dust inhibitor, in combination with the rest of the recited structure in the independent claims and any intervening claims, clearly define over the prior art. Providing for a shield with holes allows the conveyor belt to be more thoroughly cleaned before and/or after the scraper blade does its job and also allows for the support sub-assembly to be protected from the debris.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi Sharma whose telephone number is 703-306-5952 Monday through Thursday.

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Any general inquiry concerning the status of this application should be directed to the Group receptionist who can be reached at 703-308-1113.

A handwritten signature in black ink, appearing to read "C.P. Ellis", is positioned above the printed name.

CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3000